S.B. CRIMINAL MISC. PETITION NO.613/2006
(Ganpat Lal Vs. State & Ors.)

Date of order : 11.5.2006

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. Dinesh Kumar Sharma, for the petitioner.
Mr. Ashok Upadhyay, Public Prosecutor.

Heard learned counsel for the petitioner.

It is contended by the learned counsel for the petitioner that in the present case, an application was filed by the Bank to the effect that a compromise has arrived at in between the parties and the Bank wants to withdraw the complaint filed against the petitioner but the said application is still pending. The said application moved on behalf of the Bank is placed on record as Annexure-3. Further, it is contended by the learned counsel for the petitioner that although the Bank has moved an application for withdrawing the complaint but the learned trial court has not decided the said application and even prior to this due to non-appearance of the petitioner, bail bonds of the petitioner were forfeited and warrant of arrest was issued on 4.8.2004. It is also contended that the complainant moved the said application for withdrawal of the complaint on 7.4.2005. Thus, it is prayed that in the interest of justice, the order passed by the trial court with regard to warrant of arrest issued against the petitioner on 4.8.2004 may

be set aside and the learned trial court may be directed to decide the application filed by the Bank for withdrawal of the complaint filed against the petitioner on the next date of hearing.

Looking to the facts and circumstances of the case and in the interest of justice, the order passed by the trial court with regard to warrant of arrest issued against the petitioner on 4.8.2004 is set aside. Looking to the peculiar facts and circumstances of the case that the complainant bank itself has filed an application for withdrawal of the complaint, the petitioner is directed to appear before the trial court and furnish personal bond in the sum of Rs.5,000/- along with two sureties of the like amount and the trial court is directed to accept the bail bonds of the petitioner. Further, the trial court is directed to decide the application moved by the Bank with regard to withdrawal of the complaint registered against the petitioner on the next date of hearing, which is already fixed on 7.4.2005.

With the aforesaid observations and directions, the petition stands disposed of.

(GOPAL KRISHAN VYAS), J.

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